

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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:  
SALVADOR ARELLANES JIMENEZ and GENARO :  
CISNEROS, :

Plaintiffs, :

20 Civ. 5454 (JPC)

-v- :

AMENDED DEFAULT  
JUDGMENT

G&J'S PIZZERIA LLC and GREGORY BARRIOS, :

Defendants. :

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JOHN P. CRONAN, United States District Judge:

It is hereby ORDERED, ADJUDGED and DECREED that for the reasons stated in the Court's Opinion and Order dated August 29, 2022, Dkt. 58, Plaintiffs' motion to amend the Default Judgment dated March 17, 2021, Dkt. 34, is GRANTED. The caption has substituted "Gregory Barrios" in place of "Gregorio Varios" and the judgment is revised to reflect the correct name for Defendant Gregory Barrios.

It is further ORDERED that Plaintiffs have judgment jointly and severally against Defendants G&J's Pizzeria LLC (d/b/a G&J's Pizzeria) and Gregory Barrios on all causes of action in the Amended Complaint in the amount of \$263,471.38, including (A) compensatory damages for unpaid minimum wages and overtime compensation in the amount of \$92,501.75, (B) liquidated damages for unpaid minimum wages and overtime compensation under the FLSA and NYLL in the amount of \$92,501.75, (C) unpaid spread of hours pay in the amount of \$17,094.00; (D) liquidated damages for unpaid spread of hours pay in the amount of \$17,094.00; (E) statutory damages for violations of New York Labor Law § 195(1) in the amount of \$10,000.00; (F) statutory damages for violations of New York Labor Law § 195(3) in the amount of \$10,000.00; (G) pre-judgment

interest on unpaid minimum wages and overtime compensation calculated at the rate of 9% per annum to the date of judgment, totaling \$20,212.86 as of March 11, 2021; and (H) pre-judgment interest on unpaid spread of hours pay calculated at the rate of 9% per annum to the date of judgment, totaling \$4,067.02 as of March 11, 2021.


These damages calculations exclude any unpaid minimum wages and overtime compensation and for unpaid spread of hours pay, as well as corresponding liquidated damages, for Plaintiff Jimenez from February 1, 2017 through August 31, 2017, because Plaintiffs have not pleaded that Defendants owned, operated, or controlled the location where Plaintiff Jimenez allegedly worked during that time period. In addition, for the reasons stated on the record during the March 8, 2021 show-cause hearing, the Court declines to award damages on Plaintiffs' tools of the trade claim, Dkt. 11 ¶¶ 139-41, as Plaintiffs have failed to provide any information that would allow the Court to determine actual damages related to that claim.

Plaintiffs also are awarded attorney's fees in the amount of \$4,155.00 and costs in the amount of \$437.80. This award of attorney's fees reflects a reduction in the requested amount for reasons also stated on the record during the March 8, 2021 hearing.

Finally, Plaintiffs are awarded post-judgment interest, as calculated under 28 U.S.C. § 1961. If any amounts remain unpaid upon the expiration of ninety days following issuance of judgment, or ninety days after expiration of the time to appeal and no appeal is then pending, whichever is later, the total amount of judgment shall automatically increase by fifteen percent, as required by NYLL § 198(4).

SO ORDERED.

Dated: August 29, 2022  
New York, New York

  
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JOHN P. CRONAN  
United States District Judge